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4 UNITED STATES DISTRICT COURT
5 DISTRICT OF NEVADA

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7 ROSEMARY GARITY,

8 Plaintiff,

9 v.

10 USPS PMG MEGAN J. BRENNAN,

11 Defendants.

Case No. 2:11-cv-01805-RFB-CWH

ORDER

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13 For the reasons discussed on the record on November 27, 2017, the Court finds that its
14 decision to grant Defendant's Motion in Limine to Exclude Compensatory Damages Evidence and
15 Strike Jury Demand (Dkt no. 338) is meritorious. The Court finds no basis for reconsidering its
16 ruling on this matter. Further, upon reviewing the factors for the determination of a stay pending
17 appeal, *Hilton v. Braunskill*, 481 U.S. 770, 776 (1987), the Court finds no basis to grant a stay in
18 this case. The Court finds the likelihood of success on the merits to be low. Plaintiff brings an
19 interlocutory appeal based on sanctions that are reviewed for an abuse of discretion. *United States*
20 *v. Sumitomo Marine & Fire Insurance Company, Ltd.*, 617 F.2d 1365, 1369 (9th Cir. 1980). The
21 Court did not choose to apply the harshest sanctions available and made the basis for its decision
22 clear on the record. If this Court's decision is reversed, the Plaintiff will not be irreparably harmed
23 by the Court's decision to proceed with a bench trial at this point. The Plaintiff has been denied on
24 appeal several times in this case already, and the Court does not wish to further delay the
25 proceeding of the case. The interests of the Defendants and of the public favor moving forward
26 with this case that has long been before the court.

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1 **CONCLUSION**

2 Accordingly,

3 **IT IS ORDERED** that Plaintiff's Motion to Stay Case (Dkt no. 400) is DENIED.

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5 **DATED:** November 29, 2017.

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8 **RICHARD F. BOULWARE, II**
9 **UNITED STATES DISTRICT JUDGE**